

ESTTA Tracking number: **ESTTA639025**

Filing date: **11/14/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	85914469
Applicant	Graystone Consulting Associates, Inc.
Applied for Mark	VALUE SHOPPER
Correspondence Address	Matthew H. Swyers, Esq. The Trademark Company 344 Maple Ave. West, Suite 151 Vienna, VA 22180 UNITED STATES admin@thetrademarkcompany.com
Submission	Applicants Request for Remand and Amendment
Attachments	Motion to Remand.pdf(207669 bytes) Exhibit A.pdf(41603 bytes)
Filer's Name	Matthew H. Swyers
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Signature	/Matthew H. Swyers/
Date	11/14/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	
Graystone Consulting	:	
Associates, Inc.	:	
	:	Examining Attorney: Laura Golden
Serial No.: 85/914,469	:	
	:	Law Office: 103
Filed: April 25, 2013	:	
	:	
Mark: VALUE SHOPPER	:	
	:	

MOTION TO REMAND APPLICATION

COMES NOW the Applicant Graystone Consulting Associates, Inc., (hereinafter “Applicant”), by and through counsel The Trademark Company, and pursuant to TBMP § 1209.04 respectfully moves the Trademark Trial and Appeal Board (hereinafter “Board”) for an order remanding the instant Application to the examination level so that the Applicant may amend the instant application to cure the only remaining issue in this matter, namely, to submit a substitute specimen showing the applied-for mark in use in commerce in connection with the services specified in the application. In support of the instant motion, Applicant provides as follows:

ARGUMENT

In the instant matter, the Applicant seeks to remand the application so that the examining attorney may consider the substitute specimen (attached herein as Exhibit A) and whether the submission of the same will render moot the instant final action wherein the sole issue is the acceptability of Applicant’s specimen. The substitute specimen was in use in commerce at least as early as the filing date of the application. Said motion is not being made to delay the proceedings but in good faith so that the Office may consider the submission of the substitute

specimen brought to light in this matter which may influence the decision of the examining attorney.

Accordingly, pursuant to TBMP § 1209.04 it is respectfully requested that the Board grant the instant motion and remand the matter to the examining attorney for the entry of the substitute specimen in hope that the instant submission will render this appeal moot.

DECLARATION

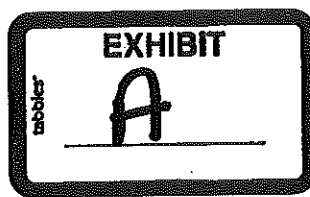
The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, the substitute specimen submitted as Exhibit A is a true and accurate specimen and said specimen was in use in commerce at least as early as the day the instant application was filed.

CONCLUSION

WHEREFORE it is respectfully submitted that good cause exists and/or the TBMP provides that the instant request be granted and the application be remanded to the Examining Attorney for further consideration of the Application with the amendments thereto.

Respectfully submitted this 14th day of November, 2014.

/Matthew H. Swyers/
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